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RELATED CORRESPONDENCE

HUNTON & WILLIAMS

707 EAST MAIN STREET P.O. Box 1535

RICHMOND, VIRGINIA 23212

TELEPHONE 804-788-8200

TWX-710-956-0061

84 JUL -2 AM 11:02

2000 PENNSYLVANIA AVENUE, N.W.
P. O. BOX 19230
WASHINGTON, D. C. 20036
TELEPHONE 202-955-1300

333 SOUTH GRAND AVENUE
LOS ANGELES, CALIFORNIA 90071
TELEPHONE 213-617-2800
TELEX 754709

FIRST VIRGINIA BANK TOWER
P. O. BOX 3889
NORFOLK, VIRGINIA 23514
TELEPHONE 804-625-5501
TELEX 735628

299 PARK AVENUE
NEW YORK, NEW YORK 10171
TELEPHONE 212-980-8200
TELEX 754708

B & T BUILDING P. O. BOX 109
RALEIGH, NORTH CAROLINA 27602
TELEPHONE 919-828-9371

FIRST TENNESSEE BANK BUILDING
P. O. BOX 951
KNOXVILLE, TENNESSEE 37901
TELEPHONE 615-637-4311

FILE NO
DIRECT DIAL NO. 804 788

June 28, 1984

James A. Laurenson,
Chairman
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
East-West Tower, Rm. 402A
4350 East-West Hwy.
Bethesda, MD 20814

Mr. Frederick J. Shon
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
East-West Tower, Rm. 430
4350 East-West Highway
Bethesda, MD 20814

Dr. Jerry R. Kline
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
East-West Tower, Rm. 427
4350 East-West Hwy.
Bethesda, MD 20814

50-322-CL-3
PROD. & MTL. DIV.

Ground Rules for FEMA Witnesses

Dear Administrative Law Judges:

The parties have discussed how the cross-examination of the FEMA witnesses should proceed, and we have agreed on the following matters:

1. During the week of July 10-13, the FEMA witnesses will be subject to cross-examination on their written testimony for the following contentions only: 20, 21, 22, 24, 26, 27, 28, 29, 30, 31, 32, 34, 55, 56, 57, 58, 59, 60, 63, 64, 66, 67, 68, 69, 70, 71, 72, 73, 93, 94, 95, 96, and 97.

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2. The order of cross-examination will be as follows: Suffolk County will cross-examine the FEMA witnesses first, followed by the State of New York, followed by LILCO. (This is consistent with the order of cross-examination that was followed when NRC witness Sears and FEMA witness McIntire appeared earlier in this proceeding.)

3. The parties are unable to give time estimates for cross-examining the FEMA panel as yet but will provide them along with the cross-examination plans that are due July 3. If we finish with the FEMA witnesses before the end of the week of July 10-13, the LILCO panel on Contention 92 will be cross-examined. If there is still time left that week even after the Contention 92 panel is finished, the parties have not agreed how to proceed.

4. Counsel for FEMA has advised the other parties that FEMA will file its testimony on the training issues (Contentions 39, 40, 41, 44, 98, 99, and 100) on August 8, and that the FEMA witnesses will be available for cross-examination on August 13-15. Neither Suffolk County nor New York State believes that this proposed schedule permits sufficient time after the receipt of the FEMA testimony to prepare adequately for cross-examination of the FEMA witnesses on the dates proposed, i.e., August 13-15. Further, it may be necessary to conduct discovery of the FEMA witnesses and Suffolk County and New York State reserve their rights in this regard, pending receipt of the FEMA testimony on August 8. In addition, although counsel for FEMA has advised the other parties that the FEMA witnesses will be available for cross-examination on all remaining pre-filed testimony (Contentions 61, 74, 75, 77, 81,

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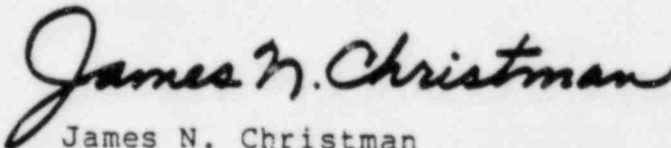
85, 88, 92, 33 and 49) on August 13-15, counsel for Suffolk County and New York State do not believe that it can be determined at this time whether the dates proposed by FEMA's counsel provide sufficient time to conduct cross-examination on all such testimony, in addition to the FEMA testimony not yet filed on training issues.

5. When and if FEMA will file testimony on Contentions 16 (public information brochure) and 18 (zone and route information) are as yet undetermined. The Board's resolution of LILCO's motion for summary disposition of Contention 16 may affect the schedule.

6. FEMA will file no testimony on Contentions 11 and 15.

Counsel for the other parties named below have reviewed this letter and find it an accurate summary of our discussions and agreements to date.

Yours very truly,


James N. Christman

126/586

cc: Stewart M. Glass, Esq.
Bernard M. Bordenick, Esq.
Richard J. Zahnleuter, Esq.
Michael S. Miller, Esq.
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